

*REMARKS/ARGUMENTS**The Pending Claims*

Claims 14-17, 20-29, 46-62, 67-71, and 79-95 are pending and are directed to an isolated polypeptide up to 12 amino acids in length comprising an amino acid sequence selected from the group consisting of SEQ ID NO: 1 and 14-19 (claims 14-17, 20-29, 79, and 80), as well as methods of using the isolated polypeptide (claims 46-62, 67-71, and 81-95).

Claims 46-62, 67-71, and 81-95 have been labeled as withdrawn as directed to a non-elected invention. Applicants note that the elected claims (i.e., claims 14-17, 20-29, 79, and 80) are related to the withdrawn claims (i.e., claims 46-62, 67-71, and 81-95) as product and process of using the product, respectively. As set forth in the Office Action dated December 18, 2008 (see pages 6-7) and in accordance with MPEP § 806.05(f), when the Office requires restriction between product and process claims and Applicants elect claims directed to the product, which claims are subsequently found to be allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claims will be rejoined in accordance with the provisions of MPEP § 821.04. Therefore, Applicants request, upon a finding that one or more of the elected product claims (i.e., claims 14-17, 20-29, 79, and 80) is allowable, that the withdrawn process claims (i.e., claims 46-62, 67-71, and 81-95) be rejoined and considered.

Amendments to the Specification

Table 4 has been amended to recite sequence identification numbers (SEQ ID NOs:) for each of the amino acid sequences. No new matter has been added by the amendments to the specification.

Amendments to the Claims

Claim 14 has been amended to further clarify the claim language. Claims 18 and 19 have been canceled. No new matter has been added by the amendments to the claims.

Summary of the Office Action

The Office indicates that claims 4-17, 20-29, 79, and 80 are allowable.

The Office rejects claims 18 and 19 under 35 U.S.C. § 112, first paragraph, for allegedly lacking written description. Reconsideration of the rejection is hereby requested.

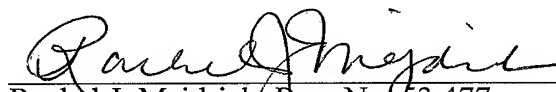
Discussion of the Written Description Rejection

The Office contends that claims 18 and 19 encompass subject matter that is not adequately described in the specification. In an effort to advance prosecution, and not in acquiescence to the rejection, claims 18 and 19 have been canceled, thereby rendering the rejection moot.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned agent.

Respectfully submitted,



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